IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 14587 of 2005

Between:

C.S.I.High School, Kadapa, rep., by its Correspondent, Rev.K.B.Yesu Varaprasad, s/o K.B.Samuel, Kadapa, Kadapa District.

..... PETITIONER

AND

1. The State of A.P., rep., by its Principal Secretary to Government, School Education (PS) Department, Secretariat Buildings, Hyderabad.
2. The Commissioner and Director of School Education, Andhra Pradesh, Saifabad, Hyderabad.
3. The Regional Joint Director of School Education, Kadapa, Kadapa District.
4. The District Educational Officer, Kadapa, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus declaring the proceedings in Memo No.19661/PS.1/2004-1 dt.21-12-2004 as illegal, arbitrary and consequently direct the respondents herein to permit the petitioner herein to fill up the aided post of P.E.T. without insisting upon the roaster system.

Counsel for the Petitioner: MR.T.V.S.KUMAR

Counsel for the Respondents: GP FOR EDUCATION

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the order passed by the first respondent dated 21.12.2004, under which, the first respondent rejected permission to fill up grant-in-aid post on the ground that ban was imposed.

According to the petitioner, two posts fell vacant on account of retirements, one post is aided and another one is unaided, and, accordingly, proposals have been sent seeking permission for filling up those vacancies. However, the competent authorities accorded permission to fill up only one aided post with O.C. (women), while rejecting permission with reference to unaided post. Thereafter, the petitioner sought for some clarification with reference to sub-Rule (6) of Rule 12 of G.O.Ms.No.1, dated 01.01.1994, i.e., with reference to applicability of roaster system to minority educational institutions. Subsequently, the respondents, instead of giving clarification sought for by the petitioner, passed the impugned order rejecting the permission itself granted to fill up the aided post. Aggrieved by the same, the petitioner has come up with the present writ petition.

It is stated that the petitioner-School was established in the year 1878

and is running by the Church of South India. It is stated that as permission was not granted even to fill up the vacancies, earlier the petitioner approached this Court and it is only as per the directions of this Court finally permission was granted to the petitioner to fill up the vacancies. It is contended by the learned counsel for the petitioner that now when the petitioner only sought for clarification, the respondent-authorities totally negatived the permission granted as early as on 30.01.2003. The learned counsel further contended that the permission has been granted to fill up the said vacancy even prior to the ban imposed by the Government.

Heard the learned counsel for the petitioner and the learned Government Pleader for Education.

As the petitioner was granted permission for filling up the vacancy of one PET teacher by proceedings dated 30.01.2003, the same cannot be rejected on the ground that the ban was imposed subsequently. Therefore, the impugned order is set aside and the respondents are directed to allow the petitioner to fill up the said post as per the original permission granted on 30.01.2003 and it is open to the petitioner to fill up the said vacancy and send the same for approval in accordance with law.

The writ petition is accordingly disposed of. No costs.

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07.07.2005

Note: Issue CC in two days.

(b/o)

VGB

To

1. The Principal Secretary, State of A.P., School Education (PS) Department, Secretariat Buildings, Hyderabad.
2. The Commissioner and Director of School Education, Andhra Pradesh, Saifabad, Hyderabad.
3. The Regional Joint Director of School Education, Kadapa, Kadapa District.
4. The District Educational Officer, Kadapa, Kadapa District.
5. 2CCs to the Government Pleader for Education, High Court Buildings, Hyderabad. (OUT)
6. 2CD copies.